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**Sent:** Wed 1/9/2013 3:39:15 PM

**Subject:** Inside EPA: Science Panel Splits Energy, Environment Duties  
[cosponsored H.R. 5952](#)  
[expressed skepticism of the report](#)  
[cosponsored H.R. 6564](#)  
[pressed EPA](#)  
[strongly criticized the methods and data](#)  
[pushing HHS](#)

#### The Inside Story

#### Science Panel Splits Energy, Environment Duties

Posted: January 8, 2013

Republicans have split the House science committee's energy and environment subcommittee into two separate panels, a move that suggests the GOP is seeking to ratchet up oversight and policy action in those two areas -- though the committee has not yet determined how to divide certain EPA-related matters between the panels.

Rep. Andy Harris (R-MD), who criticized EPA's science advisory processes and the science underlying the agency's air regulations and hydraulic fracturing studies last Congress as energy and environment chairman, will head up the newly created environment subcommittee in the 113th Congress, according to a Jan. 8 science panel press release.

The new energy panel's chairwoman will be Rep. Cynthia Lummis (R-WY), who has called for more judicial oversight of agency science and risk assessments and whose state has become an epicenter of environmental debates over hydraulic fracturing.

A GOP science committee source says new full panel Chairman Lamar Smith (R-TX) "believes the issues covered by the Energy and Environment Subcommittee are important enough to each have their own focus in a subcommittee." That reasoning suggests that oversight and legislative action on EPA matters will at least continue at the same pace in this Congress, if not increase.

Last Congress, the energy and environment subcommittee had jurisdiction over numerous EPA and energy-related matters, including EPA research and development programs, risk assessment activities and "scientific issues related to environmental policy, including climate change," according to the House science panel's GOP website.

But the GOP source says the full committee has not yet determined the subcommittees' areas of jurisdiction and will not do so until an organizational meeting in the "coming weeks."

Activities with little to no overlap with energy -- such as chemical risk assessment and EPA science advisory activities -- appear likely candidates to stay with Harris on the environment subcommittee. But it is unclear which panel will have primary oversight of EPA policies and science directly affecting the energy sector, such as certain air regulations and the agency's pending study of fracking and drinking water. The GOP source declined to comment on that matter.

Both Harris and Lummis have criticized various EPA science and risk assessment policies, supporting measures to rein in what Republicans have dubbed the agency's flawed science that they claim the agency uses to justify overly costly regulations. That suggests that EPA matters will likely endure tough scrutiny this Congress no matter which new subcommittee receives primary jurisdiction.

In the last Congress, Lummis cosponsored H.R. 5952 to subject EPA and other agencies' risk assessments and other scientific documents to judicial review while also raising data quality standards for agencies' science -- part of a long-running effort by regulatory critics to limit federal courts' deference to agencies' science. That bill died at the end of the session.

She also hails from Wyoming, a major fossil fuel-producing state where a controversial EPA draft study

linked hydraulic fracturing to tainted water supplies near the town of Pavillion. She has expressed skepticism of the report and pressed EPA for more rigorous peer review, comments that suggest that she could use her subcommittee as a venue for more oversight of the study as well as the ongoing EPA study on fracking and drinking water.

Harris, as energy and environment subcommittee chairman in the previous Congress, conducted oversight that was generally critical of several EPA science- and risk assessment-related policies, especially science advisory activities, the fracking studies and air regulation analyses.

Harris cosponsored H.R. 6564, a controversial bill to overhaul EPA's Science Advisory Board (SAB) to address longtime industry concerns about how panelists are chosen and SAB conducts its business. That bill also died at the end of last session but could come up again because Smith, the new full committee chairman, was also a cosponsor.

On fracking, Harris and other science committee members pressed EPA on how the agency will ensure that the peer review of its fracking and drinking water study meets White House information quality guidelines. He and other Republicans on his subcommittee also strongly criticized the methods and data behind EPA's draft Pavillion study at a hearing last winter.

Harris also suggested that EPA, by using what he called "press release science," has overstated the benefits and understated the costs associated with certain air regulations.

Rep. Paul Broun (R-GA), meanwhile, will chair the oversight and investigations subcommittee again in the 113th Congress. He and Harris last Congress joined together for oversight of the Report on Carcinogens (RoC), a congressionally mandated biennial publication that is based in the Department Health and Human Services (HHS) and has come under fire from industry.

Broun joined Harris in pushing HHS to more quickly finalize a contract with the National Academy of Sciences for peer review of the 12th RoC's listings of formaldehyde as a "known carcinogen" and styrene as "reasonably anticipated to be a carcinogen." HHS has since finalized the contract.